

Remarks

1. The first line of the Advisory Action to the effect that the “*argument was addressed in the previous office action*” is misleading. The present Examiner has never properly considered any of the arguments presented by the applicant throughout the whole of the examination process. Consideration of each of the office actions culminating in this advisory action compared to the responses lodged by the applicant will reveal that, while the applicant has gone to great lengths to provide clear, precise and pertinent arguments rebutting the Examiner’s rejections of the presently pending claims, the Examiner has chosen the frustrating tactic of regurgitating the same grounds of rejection on each occasion. The advisory action is merely a summarized version of the same grounds of rejection as presented in the final office action and makes no attempt to address the applicant’s many new arguments as to why the Examiner’s grounds of rejection are not sound. Applicant requests that its previous submissions be properly considered and properly responded to.

2. The Examiner will be aware that in *ex parte* examination of patent applications, the Patent and Trademark Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent and Trademark Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent and Trademark Office does not produce a *prima*

facie case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985). A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. **First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

3. In the applicant's view the claims as currently pending in this application define an invention which is both novel and which is not rendered obvious over the combination of Applicant's Admitted Prior Art (AAPA), Borella (US6697354) and Hung (US6760429) for the reasons as fully explained in previous submissions.

4. Applicant maintains as entirely pertinent the entirety of its previous submissions presented in the response of November 2, 2005 and the response of March 15, 2006 which are not repeated here in their entirety for the sake of brevity but which are incorporated herein by way of reference.

5. In the Advisory Action, the Examiner states that "*Borella taught a network address translation method to "adds outer IP header to the data packet (e.g. adding information about the identity of the first address domain to the call set up message) with the source address set to the network device's internal IP address" (e.g. retain*

the address of the first entity within the first address domain in the call set up message call set up message; the IP address of the network device remain unchanged in the data packet) and “forwards the data packet to router” (e.g. transmit the message to the second network)”. Applicant has already demonstrated that the foregoing represents a gross misconstruction of what Borella actually teaches. Network translation between the first address domain (Fig. 1, SOHO LAN 12) and the second address domain (Fig. 1, other networks 30, 32) occurs at router 26. Router 26 is shown as being located within the first address domain but applicant has previously stated that one can consider it as a bridge between the first and second address domains. Under no reasonable construction of the disclosure of Borella can the router 26 be considered as comprising a second network and certainly not the second address domain as required by the present invention. In the present application, it is at the network address translator bridging the first and second address domains that the step of “retaining the address of the first entity within the first address domain in the call set-up message as well as adding information about the identity of the first address domain to the call set-up message” is performed. The Examiner alleges that Borella also discloses this feature. In brief, in Borella, the outer IP header is added to the set up message at PC (first entity) 14 and stripped away from said set up message at router (network address translator) 26. As such, the outer IP header “adding information about the identity of the first address domain to the call set up message” never leaves the first address domain. Further, the router 26 then translates the address of the data packet to a combination address comprising a combination of the common external address (198.10.30.30) of the local network and the globally unique port assigned to PC 14, i.e. the router 26 translates the source address of the PC (first entity) 14 thus even the source address of the first entity never leaves the first address domain.

6. In detail, Borella addresses issues relating to network address translation and mobile device roaming. Where a mobile device has a local network (subnet) address not globally available to external networks and said device roams into the

domain of an external network, problems occur in delivering data packets to the roaming mobile device using its not globally available local network address. Such problems occur since it is necessary to somehow translate the roaming mobile device's not globally available local network address to a globally recognized external address. Borella teaches a solution to this problem comprising assigning to data packets addressed to the roaming mobile device a combination address comprising a unique port and a common external network address for the mobile's device local network (column 3, line 60 to column 4, line 20).

7. Considering now more carefully column 17, lines 23 to 41 of Borella relied on by the Examiner, it can be seen that the process illustrated by figure 13 of Borella occurs entirely at a network device, e.g. PC 14. PC 14 is one device which together with router 26 and other devices (see figure 1) forms a local SOHO LAN 12 having a common external network address, namely 198.10.20.30. Thus, router 26 effectively comprises the first network address translator forming a bridge between the first address domain (local network 12 including PC 14 and router 26) having an internal address domain of the form 10.0.0.0 and external networks 30, 32 having external globally available address domains of the form 192.0.0.0, etc.

8. At a network interface card device driver 44 of PC 14 a data packet received from a network layer 46 of said PC 14 is assessed to determine if its destination network address (e.g. 192.200.20.3) is for an external network. If such packet has an external network destination address, the network interface card device driver 44 of PC 14 adds an outer IP header 48 to the data packet. The source address of the outer IP header 48 is set by the device driver 44 to the internal network address (e.g. 10.0.0.1) of PC 14 and the destination address set to the internal network address (e.g. 10.0.0.7) of router 26. Then a local source port from the header is translated to a globally unique port. The data packet with the added outer IP header 48 is then transmitted from PC 14 to router 26. The function of the added outer IP header 48 comprising as its source address the internal (local) network address of PC 14 and

as its destination address the internal network address of router 26 is to enable the data packet to be routed to the router 26. The data packet transmitted from PC 14 to router 26 is therefore transmitted over the same address domain.

9. At router 26, the outer IP header 48 is stripped away from the data packet. The router then translates the address of the data packet to a combination address comprising a combination of the common external address (198.10.30.30) of the local network and the globally unique port assigned to PC 14 and the data packet is then transmitted to an external network such as network 30.

10. It can be seen from the foregoing that, rather than *retaining the address of the first entity within the first address domain in the call set-up message*, router 26 actually strips off such address from the data packet. Further, router 26 does not *add any information about the identity of the first address domain to the call set-up message and transmit the message* containing this information *to the second network*. The second, i.e. external, network 30 receives with the data packet a “source address” comprising only the common external address for the local network 12 of PC 14 and a globally unique port for PC 14 assigned by router 26. The common external address for the local network (SOHO LAN 12) is a second address domain format address and thus cannot be construed as being *information about the identity of the first address domain*. Thus, Borella not only does not teach the abovementioned features of claim 1 as contended by the Examiner but teaches an arrangement that goes completely against what is proposed by the present invention. Consequently, Borella not only does not teach the contended claims limitations but a skilled addressee would not look to Borella as a basis for modifying AAPA to arrive at the present invention since Borella teaches against the present invention.

11. The foregoing submission does not fall within the ambit of *In re Keller* and *In re Merck & Co.* The applicant is entitled to critically analyze a single reference

where it can be demonstrated that the Examiner is misconstruing its disclosure. In any event, applicant has also demonstrated that a skilled person would not seriously contemplate combining the disclosures of AAPA and Borella since Borella teaches against the present invention.

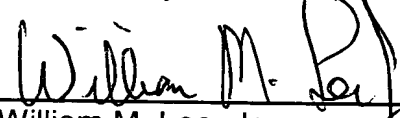
12. The foregoing analysis is equally applicable to independent claims 9 and 12 which also are in an allowable form.

13. The foregoing submission raises no new issues.

14. In conclusion, Applicant firmly believes that the invention as claimed is not rendered obvious by the combination of prior art citations raised by the Examiner and requests favorable and proper reconsideration of this application.

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Respectfully submitted,



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